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Agenda item 97 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Australia, Canada, Denmark, Finland, Greece, Japan, Netherlands, Norway, Spain and Sweden: draft decision

United Nations Voluntary Fund for Indigenous Populations

The General Assembly, on the recommendation of the Third Committee, having taken note of the report of the Secretary-General (A/47/626) on the status of the United Nations Voluntary Fund for Indigenous Populations, decides:

(a) To call upon Governments, non-governmental organizations and representatives of indigenous groups to consider contributions to the Fund and to disseminate widely information about the activities of the Fund;

(b) To request the Secretary-General to report to the General Assembly at its forty-ninth session on the status of the United Nations Voluntary Fund for Indigenous Populations.

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Argentina, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czechoslovakia, Denmark, Fiji, Finland, France, Gambia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia, Federated States of, Morocco, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Romania, Russian Federation, Spain, Sweden, Ukraine, United Kingdom of Great Brtain and Northern Ireland, United States of America, Uruguay, Venezuela and Zimbabwe: draft resolution

Elimination of all forms of religious intolerance

The General Assembly,

Recalling that all States have pledged themselves to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that these rights derive from the inherent dignity of the human person,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

Reaffirming its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling its resolution 46/131 of 17 December 1991, in which it requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration,

Recalling Commission on Human Rights resolution 1992/17 of 21 February 1992 and Economic and Social Council decision 1992/226 of 20 July 1992, by which the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures, as appropriate, was extended for three years,

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Emphasizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief,

Conscious of the importance of education in ensuring tolerance of religion and belief,

Alarmed that serious instances, including acts of violence, intolerance and discrimination on the grounds of religion or belief occur in many parts of the world, as evidenced in the report of the Special Rapporteur of the Commission on Human Rights, Mr. Angelo Vidal d'Almeida Ribeiro, 1/

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief;

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Urges States to ensure that their constitutional and legal systems provide adequate guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief;

1/ E/CN.4/1992/52.

3. Recognizes that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief;

4. Urges all States therefore to take all appropriate measures to combat hatred, intolerance and acts of violence and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;

5. Also urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

6. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;

7. Also calls upon all States in accordance with their national legislation to exert utmost efforts to ensure that religious places and shrines are fully respected and protected;

8. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to ensure that appropriate measures are taken to this end in the World Public Information Campaign for Human Rights;

9. Invites the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration, in all the official languages of the United Nations, and to take all appropriate measures to make the text available for use by United Nations information centres, as well as by other interested bodies;

10. Encourages the continued efforts on the part of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

11. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

12. Recommends that the promotion and protection of the right to freedom of thought, conscience and religion be given appropriate priority in the work of the United Nations programme of advisory services in the field of human rights, with regard to, inter alia, the drafting of basic legal texts in conformity with international instruments on human rights and taking into account the provisions of the Declaration;

13. Encourages the Human Rights Committee to give priority to its announced intention to prepare a general comment on article 18 of the International Covenant on Civil and Political Rights, 2/ dealing with freedom of thought, conscience and religion;

14. Welcomes the efforts of non-governmental organizations to promote the implementation of the Declaration;

15. Requests the Secretary-General to invite interested non-governmental organizations to consider what further role they could envisage playing in the implementation of the Declaration and in the dissemination of its text in national and local languages;

16. Urges all States to consider disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in national and local languages;

17. Requests the Commission on Human Rights to continue its consideration of measures to implement the Declaration;

18. Decides to consider the question of the elimination of all forms of religious intolerance at its forty-eighth session under the item entitled "Human rights questions".

2/ See resolution 2200 A (XXI), annex.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

China, Cuba, Democratic People's Republic of Korea, Lao People's Democratic Republic, Namibia, United Republic of Tanzania, Viet Nam and Zimbabwe: draft resolution

Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes

The General Assembly,

Reaffirming the purposes of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Also recalling its resolution 2625 (XXV) of 24 October 1970, by which it approved the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Further recalling the principle enshrined in Article 2, paragraph 7, of the Charter of the United Nations, which establishes that nothing contained in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the Charter,

Reaffirming the legitimacy of the struggle of the oppressed people of South Africa for the elimination of apartheid and for the establishment of a society in which all people of South Africa as a whole, irrespective of race, colour or creed, will enjoy equal and full political and other rights and participate freely in the determination of their destiny,

Also reaffirming the legitimacy of the struggle of all peoples under colonial and foreign domination, particularly the Palestinian people, for the exercise of their inalienable right to self-determination and national independence, which will enable them to decide freely on their own future,

Recognizing that the principles of national sovereignty and non-interference in the internal affairs of any State should be respected in the holding of elections,

Also recognizing that there is no single political system or single model for electoral processes equally suited to all nations and their peoples, and that political systems and electoral processes are subject to historical, political, cultural and religious factors,

Recalling its resolutions on this regard, in particular, resolution 46/130 of 17 December 1991,

1. Reiterates that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right, freely and without external interference, to determine their political status and to pursue their economic, social and cultural development and that every State has the duty to respect that right in accordance with the provisions of the Charter;

2. Reaffirms that it is the concern solely of peoples to determine methods and to establish institutions regarding the electoral process, as well as to determine the ways for its implementation according to their constitution and national legislation;

3. Also reaffirms that any activities that attempt, directly or indirectly, to interfere in the free development of national electoral processes, in particular in the developing countries, or that intend to sway the results of such processes, violate the spirit and letter of the principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations;

4. Reaffirms that there is no universal need for the United Nations to provide electoral assistance to Member States, except in special circumstances such as cases of decolonization, in the context of regional or international peace processes or at the request of specific sovereign States, by virtue of resolutions adopted by the Security Council or the General Assembly in each case, in strict conformity with the principles of sovereignty and non-interference in the internal affairs of States;

5. Urges all States to respect the principle of non-interference in the internal affairs of States and the sovereign right of peoples to determine their political, economic and social system;

6. Strongly appeals to all States to refrain from financing or providing, directly or indirectly, any other form of overt or covert support for political parties or groups and from taking actions to undermine the electoral processes in any country;

7. Condemns any act of armed aggression or threat or use of force against peoples, their elected Governments or their legitimate leaders;

8. Reiterates that only the total eradication of apartheid and the establishment of a non-racial, democratic society based on majority rule, through the full and free exercise of adult suffrage by all the people in a united and non-fragmented South Africa, can lead to a just and lasting solution to the situation in South Africa;

9. Reaffirms the legitimacy of the struggle of all peoples under colonial and foreign domination, particularly the Palestinian people, for the exercise of their inalienable right to self-determination and national independence, which will enable them to determine their political, economic and social system, without interference;

10. Calls upon the Commission on Human Rights at its forty-ninth session, to continue giving priority to the review of the fundamental factors that negatively affect the observance of the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes and to report to the General Assembly at its forty-eighth session, through the Economic and Social Council;

11. Requests the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of the present resolution under the item entitled "Human rights questions".

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

China, Cuba, Ghana, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Nigeria, United Republic of Tanzania, Viet Nam and Zimbabwe: draft resolution

The General Assembly,

Reaffirming its faith in fundamental human rights, in the dignity of worth of the human person and in the equal rights of men and women and of nations large and small and its determination to promote social progress and better standards of living in greater freedom,

Bearing in mind that one of the purposes of the United Nations is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

Bearing in mind also that one of the purposes of the United Nations is to achieve international cooperation in solving international problems in an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling that, in accordance with Article 55 of the Charter of the United Nations, the Organization shall promote universal respect for, and observance of, human rights and fundamental freedoms for all, with a view to creating conditions of stability and well-being that are necessary for peaceful and friendly relations among nations, based on respect for the

principle of equal rights and self-determination of peoples and that, in accordance with Article 56, all Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55,

Reiterating that Member States should continue to act in the human rights field in conformity with the provisions of the Charter,

Desirous of achieving further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms,

Considering that such international cooperation should be based on the principles embodied in international law, especially the Charter, as well as the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights 2/ and other relevant instruments,

Deeply convinced that United Nations action in this field should be based not only on a profound understanding of the broad range of problems existing in all societies but also on full respect for the political, economic and social realities of each of them, in strict compliance with the purposes and principles of the Charter and for the basic purpose of promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,

Reaffirming its resolutions 45/163 and 46/129,

Recalling its resolution 3[illegible]/130 of 16 December 1977, 37/200 of 18 December 1982, 41/155 of 4 December 1986 and 43/155 of 8 December 1988,

Bearing in mind its resolutions 2131 (XX) of 21 December 1965, 2625 (XXV) of 24 October 1970 and 36/103 of 9 December 1981,

Taking into account the Commission on Human Rights resolution 1992/39 of 28 February 1992,

Taking note of the recommendation made by the Commission on Human Rights in the annex to its resolution 1991/30 of 5 March 1991, that the Preparatory Committee for the World Conference on Human Rights should make suggestions aimed at ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues in United Nations human rights forums,

Aware of the fact that the promotion, protection and full exercise of all human rights and fundamental freedoms as legitimate concerns of the world community should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends,

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1/ Resolution 217 A (III).

2/ See resolution 2700 A (XXI), annex.

Underlining the particular duty of all special rapporteurs and representatives on thematic issues and countries, as well as of the members of the working groups, to carry out their mandates with objectivity, seriousness and independence of opinions in accordance with the humanitarian spirit that should prevail in their activities, which should be exempt from any manipulation with political purposes;

Underlining also the obligation that Governments have to promote and protect human rights and to carry out the responsibilities that they have undertaken under international law, especially the Charter, as well as various international instruments in the field of human rights,

1. Reiterates that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect that right within the provisions of the Charter, including respect for territorial integrity;

2. Reaffirms that is a purpose of the United Nations and the task of all Member States, in cooperation with the Organization, to promote and encourage respect for human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur;

3. Calls upon all Member States to base their activities for the protection and promotion of human rights, including the development of further international cooperation in this field, on the Charter, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and other relevant international instruments and to refrain from activities that are inconsistent with this international framework;

4. Considers that international cooperation in this field should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights and fundamental freedoms for all and to the strengthening of international peace and security;

5. Affirms that the promotion, protection and full realization of all human rights and fundamental freedoms as legitimate concerns of the world community should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

6. Requests all human rights bodies within the United Nations system, in particular the special rapporteurs and representatives, independent experts and working groups, to take duly into account the content of the present resolution in carrying out their mandates;

7. Expresses its conviction that an unbiased and fair approach to human rights issues contributes to the promotion of international cooperation as well as to the effective promotion, protection and realization of human rights and fundamental freedoms;

8. Underlines, in this context, the continuing need for impartial and objective information on the political, economic and social situations and events of all countries;

9. Invites Member States to consider adopting, as appropriate, within the framework of their respective legal systems and in accordance with their obligation under international law, especially the Charter, as well as international human rights instruments, the measures that they may deem appropriate to achieve further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms;

10. Requests the Commission on Human Rights, at its forty-ninth session, to continue to examine ways and means to strengthen United Nations action in this regard on the basis of the present resolution and of Commission resolution 1992/39;

11. Invites the Secretary-General to continue requesting information and comments from all Member States on the present resolution for their timely transmission to the Preparatory Committee for the World Conference on Human Rights, regional conferences and the World Conference itself in order to consider and formulate the relevant proposals, including ways and means to strengthen United Nations action in this regard;

12. Requests the Secretary-General to provide the Preparatory Committee for the World Conference with the United Nations documentation relevant to the present resolution;

13. Decides to consider this matter under the item entitled "Human rights questions" at its forty-eighth session.

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Argentina, Australia, Austria, Belgium, Benin, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, Finland, France, Gabon, Gambia, Greece, Hungary, Ireland, Italy, Luxembourg, Madagascar, Mali, Mauritius, Netherlands, New Zealand, Norway, Poland, Portugal, Russian Federation, Rwanda, Slovenia, Spain, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution

Question of enforced or involuntary disappearances

The General Assembly,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons, and its resolution 46/125 of 17 December 1991 on the question of enforced or involuntary disappearances,

Deeply concerned about the persistence of the practice of enforced disappearances in the world,

Expressing its profound emotion at the anguish and sorrow of the families concerned, who are unsure of the fate of their relatives,

Concerned by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances of relatives of disappeared persons,

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Noting with satisfaction resolution 47/___ adopting the Declaration on the Protection of All Persons from Enforced Disappearance,

Convinced of the need to continue implementing the provisions of its resolution 33/173 and of the other United Nations resolutions on the question of disappeared persons, with a view to finding solutions for cases of disappearances and helping to eliminate forced disappearances, duly taking into account the provisions of the Declaration,

Bearing in mind Commission on Human Rights resolution 1992/30 of 28 February 1992,

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work and thanks those Governments that are cooperating with it;

2. Welcomes the decision made by the Commission on Human Rights at its forty-eighth session to extend for three years the term of the mandate of the Working Group, as defined in Commission resolution 20 (XXXVI) of 29 February 1980, while maintaining the principle of annual reporting, and requests the Working Group to continue to fulfil its mandate in a rigorous and constructive fashion;

3. Invites Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances and to take action at the national and regional levels and in cooperation with the United Nations to that end;

4. Appeals to the Governments concerned, particularly those which have not yet replied to the communications addressed to them by the Working Group, to cooperate fully with it, and in particular to reply more quickly to the requests for information addressed to them so that, while respecting its working methods based on discretion, it may perform its strictly humanitarian role;

5. Encourages the Governments concerned seriously to consider inviting the Working Group to visit their countries, thus enabling it to fulfil its mandate even more effectively;

6. Extends its warm thanks to those Governments which have cooperated with the Working Group and to those Governments which have invited the Working Group to visit their countries, requests them to give all necessary attention to its recommendations and invites them to inform the Working Group of any follow-up measures taken;

7. Appeals to the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment of which they may be the target;

8. Calls upon all Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is ensured, particularly as regards the prevention of enforced disappearances;

9. Reminds all Governments also of the need to ensure that their competent authorities conduct prompt and impartial inquiries when there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

10. Requests the Working Group, pursuant to its mandate, to take into account the provisions of the Declaration on the Protection of All Persons from Enforced Disappearance;

11. Also requests the Working Group to give the necessary attention to cases of disappeared children and children of disappeared persons;

12. Calls upon the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group and to the follow-up of its recommendations when it considers the report to be submitted by the Working Group to the Commission at its forty-ninth session;

13. Renews its request to the Secretary-General to continue to provide the Working Group with all necessary facilities;

14. Decides to consider the question of enforced disappearances under the item entitled "Human rights: alternative ways and means" at its forty-ninth session.

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Argentina, Australia Austria, Belgium, Benin, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, Finland, France, Gabon, Gambia, Greece, Hungary, Ireland, Italy, Luxembourg, Madagascar, Mali, Mauritius, Netherlands, Norway, Poland, Portugal, Russian Federation, Rwanda, Slovenia, Spain, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: draft resolution

Declaration on the Protection of All Persons from Enforced Disappearance

The General Assembly,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations and other international instruments, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind the obligation of States under the Charter of the United Nations, in particular, Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Deeply concerned that in many countries, often in a persistent manner, enforced disappearances occur, in the sense that persons are arrested, detained or abducted against their will or otherwise deprived of their liberty

by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, thereby placing such persons outside the protection of the law,

Considering that enforced disappearance undermines the deepest values of any society committed to respect for the rule of law, human rights and fundamental freedoms, and that the systematic practice of such acts is of the nature of a crime against humanity,

Recalling resolution 33/173 of 20 December 1978, by which the General Assembly expressed concern about the reports from various parts of the world relating to enforced or involuntary disappearances, as well as about the anguish and sorrow caused by these disappearances, and called upon Governments to hold law enforcement and security forces legally responsible for excesses which might lead to enforced or involuntary disappearances of persons,

Recalling also the protection afforded to victims of armed conflicts by the Geneva Conventions of 12 August 1949 and the Additional Protocols of 1977,

Having regard in particular to the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which protect the right to life, the right to liberty and security of the person, the right not to be subjected to torture and the right to recognition as a person before the law,

Having regard further to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which provides that States parties shall take effective measures to prevent and punish acts of torture,

Bearing in mind the Code of Conduct for Law Enforcement Officials, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Standard Minimum Rules for the Treatment of Prisoners,

Affirming that, in order to prevent enforced disappearances, it is necessary to ensure strict compliance with the Body of Principles for the Protection of All Persons under Any form of Detention or Imprisonment contained in its resolution 43/173 of 9 December 1988, and with the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, contained in Economic and Social Council resolution 1989/65 of 24 May 1989 and endorsed by General Assembly resolution 44/162 of 15 December 1989,

Bearing in mind that, while the acts which comprise enforced disappearance constitute a violation of the prohibitions found in the aforementioned international instruments, it is none the less important to

devise an instrument which characterizes all acts of enforced disappearance of persons as very serious offences setting forth standards designed to punish and prevent their commission,

Proclaims the present Declaration on the Protection of All Persons from Enforced Disappearance, as a body of principles for all States,

Urges that all efforts be made so that this Declaration becomes generally known and respected.

Article 1

1. Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and reaffirmed and developed in international instruments in this field.

2. Such act of enforced disappearance places the persons subjected thereto outside the protection of the law and inflicts severe suffering on them and their families. It constitutes a violation of the rules of international law guaranteeing, inter alia, the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life.

Article 2

1. No State shall practise, permit or tolerate enforced disappearances.

2. States shall act at the national and regional levels and in cooperation with the United Nations to contribute by all means to the prevention and eradication of enforced disappearance.

Article 3

Each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction.

Article 4

1. All acts of enforced disappearance shall be offences under the criminal law punishable by appropriate penalties which shall take into account their extreme seriousness.

2. Mitigating circumstances may be established in national legislation for persons who, having participated in enforced disappearances, are instrumental in bringing the victims forward alive or in providing voluntarily information which would contribute to clarify cases of enforced disappearance.

Article 5

In addition to such criminal penalties as are applicable, enforced disappearances render their perpetrators and the State or State authorities which organize, acquiesce in or tolerate such disappearances liable at civil law, without prejudice to the international responsibility of the State concerned in accordance with the principles of international law.

Article 6

1. No order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance. Any person receiving such an order or instruction shall have the right and duty not to obey it.

2. Each State shall ensure that orders or instructions directing, authorizing or encouraging any enforced disappearance are prohibited.

3. Training of law enforcement officials shall emphasize the above provisions.

Article 7

No circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances.

Article 8

1. No State shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds to believe that he would be in danger of enforced disappearance.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 9

1. The right to a prompt and effective judicial remedy as a means of determining the whereabouts or state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty, is required to prevent enforced disappearances under all circumstances, including those referred to in article 7.

2. In such proceedings, competent national authorities shall have access to all places holding persons deprived of their liberty and to each part thereof, as well as to any place in which there are grounds to believe that such persons may be found.

3. Any other competent authority entitled under law of the State or by any international legal instruments to which a State is a party may also have access to such places.

Article 10

1. Any person deprived of liberty shall be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention.

2. Accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned.

3. An official up-to-date register of all persons deprived of their liberty shall be maintained in every place of detention. Additionally, each State shall take steps to maintain similar centralized registers. The information contained in these registers shall be made available to the persons mentioned in the paragraph above, to any judicial or other competent and independent national authority as well as to any other competent authority entitled under the law of the State concerned or any international legal instrument to which a State concerned is a party, seeking to trace the whereabouts of a detained person.

Article 11

All persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability fully to exercise their rights are assured.

Article 12

1. Each State shall establish rules under its national law indicating those officials authorized to order deprivation of liberty, establishing the conditions under which such orders may be given, and stipulating penalties for officials who, without legal justification, refuse to provide information on any detention.

2. Each State shall likewise ensure strict supervision, including a clear chain of command, of all law enforcement officials responsible for apprehensions, arrests, detentions, custody, transfers and imprisonment, and of other officials authorized by law to use force and firearms.

Article 13

1. Each State shall ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measure shall be taken to curtail or impede the investigation.

2. Each State shall ensure that the competent authority shall have the necessary powers and resources to conduct the investigation effectively, including powers to compel attendance of witnesses and production of relevant documents and to make immediate on-site visits.

3. Steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.

4. The findings of such an investigation shall be made available upon request to all persons concerned, unless doing so would jeopardize an ongoing criminal investigation.

5. Steps shall be taken to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or the investigation procedure is appropriately punished.

6. An investigation, in accordance with the procedures described above, should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified.

Article 14

Any person alleged to have perpetrated an act of enforced disappearance in a particular State shall, when the facts disclosed by an official investigation so warrant, be brought before the competent civil authorities of that State for the purpose of prosecution and trial unless he has been extradited to another State wishing to exercise jurisdiction in accordance with the relevant international agreements in force. All States should take any lawful and appropriate action available to them to bring all persons presumed responsible for an act of enforced disappearance, found to be within their jurisdiction or under their control, to justice.

Article 15

The fact that there are grounds to believe that a person has participated in acts of an extremely serious nature such as those referred to in article 4.1, regardless of the motives, shall be taken into account when the competent authorities of the State decide whether or not to grant asylum.

Article 16

1. Persons alleged to have committed any of the acts referred to in article 4.1 shall be suspended from any official duties during the investigation referred to in article 13.

2. They shall be tried only by the competent ordinary courts in each State, and not by any other special tribunal, in particular military courts.

3. No privileges, immunities or special exemptions shall be admitted in such trials, without prejudice to the provisions contained in the Vienna Convention on Diplomatic Relations.

4. The persons presumed responsible for such acts shall be guaranteed fair treatment in accordance with the relevant provisions of the Universal Declaration of Human Rights and other relevant international agreements in force at all stages of the investigation and eventual prosecution and trial.

Article 17

1. Acts constituting enforced disappearance shall be considered a continuing offence as long as the perpetrators continue to conceal the fate and the whereabouts of persons who have disappeared and these facts remain unclarified.

2. When the remedies provided for in article 2 of the International Covenant on Civil and Political Rights are no longer effective, the statute of limitations relating to acts of enforced disappearance shall be suspended until these remedies are re-established.

3. Statutes of limitations, where they exist, relating to acts of enforced disappearance shall be substantial and commensurate with the extreme seriousness of the offence.

Article 18

1. Persons who have, or are alleged to have, committed offences referred to in article 4.1 shall not benefit from any special amnesty law or similar measures that might have the effect of exempting them from any criminal proceedings or sanction.

2. In the exercise of the right of pardon, the extreme seriousness of acts of enforced disappearance shall be taken into account.

Article 19

The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a result of an act of enforced disappearance, their dependants shall also be entitled to compensation.

Article 20

1. States shall prevent and suppress the abduction of children of parents subjected to enforced disappearance and of children born during their mother's enforced disappearance, and shall devote their efforts to the search for, and identification of, such children and to the restitution of the children to their families of origin.

2. Considering the need to protect the best interests of children referred to in the preceding paragraph, there shall be an opportunity, in States which recognize a system of adoption, for a review of the adoption of such children and, in particular, for annulment of any adoption which originated in enforced disappearance. Such adoption should, however, continue to be in force if consent is given, at the time of the review mentioned above, by the child's closest relatives.

3. The abduction of children of parents subjected to enforced disappearance or of children born during their mother's enforced disappearance, and the act of altering or suppressing documents attesting to their true identity, shall constitute an extremely serious offence, which shall be punished as such.

4. For these purposes, States shall, where appropriate, conclude bilateral and multilateral agreements.

Article 21

The provisions of the present Declaration are without prejudice to the provisions enunciated in the Universal Declaration of Human Rights or in any other international instrument, and shall not be construed as restricting or derogating from any of the provisions contained therein.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Bahamas, Colombia, Cuba, Dominican Republic, France, Mexico, Morocco, Peru, Spain, Uruguay and Venezuela: draft resolution

Human rights and extreme poverty

The General Assembly,

Reaffirming the Universal Declaration of Human Rights, 1/ the International Covenant on Civil and Political Rights, 2/ the International Covenant on Economic, Social and Cultural Rights 2/ and other human rights instruments adopted by the United Nations,

Recalling its resolutions 44/148, of 15 December 1989, 44/212, of 22 December 1989, and other relevant resolutions,

Bearing in mind Commission on Human Rights resolution 1991/14, of 22 February 1991, 3/ in which the Commission drew the attention of the General Assembly to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee the full enjoyment of human rights,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

Recalling its resolution 45/199, of 21 December 1990, in which it proclaimed the Fourth United Nations Development Decade, the main concerns of which are the search for a significant reduction of extreme poverty and the joint responsibility of all countries,

Recognizing that extreme poverty is a violation of human dignity and might, in some situations, constitute a threat to the right to life,

Deeply concerned that extreme poverty continues to spread in all countries of the world, regardless of their economic, social and cultural situation, and seriously affects the most vulnerable and disadvantaged individuals, families and groups, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Stressing the need for a complete and in-depth study of extreme poverty, based on the experience and the thoughts of the poorest,

Noting with satisfaction, in that regard, Commission on Human Rights resolution 1992/11 of 21 February 1992 4/ and the resolution of the Subcommission on Prevention of Discrimination and Protection of Minorities, 5/ in which the Subcommission designated Mr. Leandro Despouy as special rapporteur on this item,

Recognizing that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights are interrelated goals,

Recognizing also that the grave suffering of the vast majority of human beings who live in conditions of extreme poverty requires the immediate attention of the international community and the adoption of specific measures to eliminate extreme poverty and exclusion from society,

1. Reaffirms that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. Expresses its satisfaction that the Commission on Human Rights, in its resolution 1992/11, decided to undertake a study of extreme poverty and, in particular, of the following aspects: the effects of extreme poverty on the enjoyment and exercise of human rights; the efforts of the poorest to exercise those rights and to participate fully in the development of the society in which they live; the conditions in which the poorest may effectively convey their experience and their thoughts and become partners in the realization of human rights; and the means of ensuring a better understanding of the experience and thoughts of the poorest and of the persons working with them;

4/ Ibid., 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

5/ E/SUB.2/RES/1992/27.

3. Again calls upon States, the specialized agencies, United Nations bodies and other international organizations, including non-governmental organizations, to give the necessary attention to this problem;

4. Notes with appreciation the specific action taken by the United Nations Children's Fund to mitigate the effects of extreme poverty on children and the efforts of the United Nations Development Programme to give priority to the search for some means of alleviating poverty within the framework of the relevant resolutions;

5. Decides to consider this question further at its forty-ninth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Armenia, Australia, Austria, Belarus, Bulgaria, Canada, Cape Verde, Croatia, Czechoslovakia, Denmark, Estonia, Finland, Greece, Guatemala, Hungary, Italy, Latvia, Liechtenstein, Lithuania, Morocco, Netherlands, Norway, Poland, Romania, Russian Federation, Rwanda, Slovenia, Sweden, Ukraine, United States of America and Uruguay: draft resolution

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Reaffirming that one of the main purposes of the United Nations, as proclaimed in the Charter of the United Nations, is to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Noting the importance of the even more effective implementation of international human rights instruments with regard to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Welcoming the increased attention given by human rights treaty bodies to the non-discrimination and protection of minorities,

Aware of the provisions of article 27 of the International Covenant on Civil and Political Rights 1/ concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Considering that the United Nations has an increasingly important role to play regarding the protection of minorities,

Bearing in mind the work done so far within the United Nations system, in particular through the relevant mechanisms of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Recognizing the important achievements in this regard in regional, subregional and bilateral frameworks, which can provide a useful source of inspiration for future United Nations activities,

Stressing the need to ensure for all, without discrimination of any kind, full enjoyment and exercise of human rights and fundamental freedoms, and emphasizing the importance of the draft Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in that regard,

Recalling its resolution 46/115 of 17 December 1991, Commission on Human Rights resolution 1992/16 of 21 February 1992, 2/ by which the Commission approved the text of the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, and Economic and Social Council resolution 1992/4 of 20 July 1992, by which the Council recommended it to the General Assembly for adoption and further action,

Having considered the note of the Secretary-General, 3/

1. Adopts the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the text of which is annexed to the present resolution;

2. Requests the Secretary-General to ensure the distribution of the Declaration as widely as possible and to include the text of the Declaration in the next edition of Human Rights: A Compilation of International Instruments;

1/ See resolution 2200 A (XXI), annex.

2/ Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

3/ A/47/501.

3. Invites United Nations agencies and organizations as well as intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on the Declaration and to promoting understanding thereof;

4. Invites the relevant organs and bodies of the United Nations, inter alia, treaty bodies and representatives of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, to give due regard to the Declaration within their mandates;

5. Requests the Secretary-General to consider appropriate ways for the effective promotion of the Declaration and to make proposals thereon;

6. Requests the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of the present resolution under the item entitled "Human rights questions".

Annex

DECLARATION ON THE RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

The General Assembly,

Reaffirming that one of the basic aims of the United Nations, as proclaimed in its Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion,

Reaffirming faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

Desiring to promote the realization of the principles contained in the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the Convention on the Rights of the Child, as well as other relevant international instruments that have been adopted at the universal or regional level and those concluded between individual States Members of the United Nations,

Inspired by the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live,

Emphasizing that the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as an integral part of the development of society as a whole and within a democratic framework based on the rule of law, would contribute to the strengthening of friendship and cooperation among peoples and States,

Considering that the United Nations has an important role to play regarding the protection of minorities,

Bearing in mind the work done so far within the United Nations system, in particular the Commission on Human Rights, the Subcommission on Prevention of Discrimination and Protection of Minorities and the bodies established pursuant to the International Covenants on Human Rights and other relevant international human rights instruments on promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Taking into account the important work which is carried out by intergovernmental and non-governmental organizations in protecting minorities and in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Recognizing the need to ensure even more effective implementation of international instruments with regard to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Proclaims this Declaration on the Rights of persons Belonging to National or Ethnic, Religious and Linguistic Minorities:

Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories, and shall encourage conditions for the promotion of that identity.

2. States shall adopt appropriate legislative and other measures to achieve those ends.

Article 2

1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.

2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.

3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.

4. Persons belonging to minorities have the right to establish and maintain their own associations.

5. Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.

Article 3

1. Persons belonging to minorities may exercise their rights, including those set forth in this Declaration, individually as well as in community with other members of their group, without any discrimination.

2. No disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights set forth in this Declaration.

Article 4

1. States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.

2. States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.

3. States should take appropriate measures so that, wherever possible, persons belonging to minorities have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.

4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.

5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

Article 5

1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

Article 6

States should cooperate on questions relating to persons belonging to minorities, including exchange of information and experiences, in order to promote mutual understanding and confidence.

Article 7

States should cooperate in order to promote respect for the rights set forth in this Declaration.

Article 8

1. Nothing in this Declaration shall prevent the fulfilment of international obligations of States in relation to persons belonging to minorities. In particular, States shall fulfil in good faith the obligations and commitments they have assumed under international treaties and agreements to which they are parties.

2. The exercise of the rights set forth in this Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.

3. Measures taken by States to ensure the effective enjoyment of the rights set forth in this Declaration shall not prima facie be considered contrary to the principle of equality contained in the Universal Declaration of Human Rights.

4. Nothing in this Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

Article 9

The specialized agencies and other organizations of the United Nations system shall contribute to the full realization of the rights and principles set forth in this Declaration, within their respective fields of competence.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Cyprus, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Luxembourg, Morocco, Netherlands, New Zealand, Norway, Poland, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights, 1/ which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, 2/ in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his life,

Recalling its resolution 36/22 of 9 November 1981, in which it condemned the practice of summary and arbitrary executions, and its resolutions 37/182 of 17 December 1982, 38/96 of 16 December 1983, 39/110 of 14 December 1984,

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1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

40/143 of 13 December 1985, 41/144 of 4 December 1986, 42/141 of 7 December 1987, 43/151 of 8 December 1988, 44/159 of 15 December 1989, and 45/162 of 18 December 1990,

Deeply alarmed at the continued occurrence on a large scale of summary or arbitrary executions, including extra-legal executions,

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto, which resolution was endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 15, 3/

Welcoming the close cooperation established between the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat and the Committee on Crime Prevention and Control 4/ with regard to questions relating to extrajudicial, summary or arbitrary executions,

Convinced of the need for appropriate action to combat and eventually eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the most fundamental right, the right to life,

1. Once again strongly condemns the large number of extrajudicial, summary or arbitrary executions which continue to take place throughout the world;

2. Demands that the practice of summary or arbitrary executions be brought to an end;

3. Appeals urgently to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions;

4. Reaffirms Economic and Social Council decision 1992/242 of 20 July 1992, in which the Council approved the decision of the Commission on

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3/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. 1, sect. E.

4/ The Committee on Crime Prevention and Control was replaced by the Commission on Crime Prevention and Criminal Justice by the General Assembly, in its resolution 46/152 of 18 December 1991.

Human Rights 5/ to appoint a special rapporteur for three years to consider the questions related to summary or arbitrary executions and also approved the Commission's request to the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur;

5. Urges all Governments, in particular those that have consistently not responded to communications transmitted to them by the Special Rapporteur, and all others concerned to cooperate with and assist the Special Rapporteur so that he may carry out his mandate effectively;

6. Requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened, or when such an execution has recently occurred, and, furthermore, to promote exchanges of views between Governments and those who provide reliable information to the Special Rapporteur, where the Special Rapporteur considers that such exchanges of information might be useful;

7. Welcomes the recommendations made by the Special Rapporteur in his reports 6/ to the Commission on Human Rights at its forty-fourth, forty-fifth, forty-sixth, forty-seventh and forty-eighth sessions with a view to eliminating summary or arbitrary executions;

8. Encourages Governments, international organizations and non-governmental organizations to organize training programmes and support projects with a view to training or educating law enforcement officers in human rights issues connected with their work, and appeals to the international community to support endeavours to that end;

9. Considers that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, as well as medical and forensic experts;

10. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur so that he may effectively carry out his mandate;

11. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

5/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A, resolution 1992/72.

6/ E/CN.4/1988/22 and Add.1 and 2, E/CN.4/1989/25, E/CN.4/1990/22 and Corr.1 and Add.1, E/CN.4/1991/36 and E/CN.4/1992/30 and Corr.1 and Add.1.

12. Requests the Commission on Human Rights at its forty-ninth session, on the basis of the report of the Special Rapporteur, to make recommendations concerning appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Algeria, Burkina Faso, Central African Republic, Colombia, Cuba, Cyprus, Democratic People's Republic of Korea, Ecuador, Guinea, Guinea-Bissau, Iraq, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Mexico, Nigeria, Peru, Sierra Leone, Sudan, Uganda, Viet Nam, Yemen and Zimbabwe: draft resolution

Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

The General Assembly,

Recalling that in the Charter of the United Nations the peoples of the United Nations declared their determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Recalling also the purposes and principles of the Charter to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Emphasizing the significance and validity of the Universal Declaration of Human Rights 1/ and of the International Covenants on Human Rights 2/ in promoting respect for and observance of human rights and fundamental freedoms,

Recalling further its resolution 32/130 of 16 December 1977, in which it decided that the approach to future work within the United Nations system with respect to human rights questions should take into account the concepts set forth in that resolution,

Noting with concern that many of the principles enunciated in resolution 32/130 have not yet been taken under consideration by the international community with all the necessary dynamism and objectivity,

Emphasizing the special importance of the purposes and principles proclaimed in the Declaration on the Right to Development, contained in its resolution 41/128 of 4 December 1986,

Recalling its resolutions concerning the right to development, and also its resolution 45/155 of 18 December 1990, in which it decided that one of the objectives of the World Conference on Human Rights to be held in 1993 would be to examine the relation between development and the enjoyment of economic, social and cultural rights as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy those rights,

Taking into account the final documents of the Tenth Conference of Heads of State or Government of Non-Aligned Countries, held in Jakarta from 1 to 6 September 1992,

Reiterating that the right to development is an inalienable human right and that equality of development opportunities is a prerogative both of nations and of individuals within nations,

Expressing its particular concern about the progressive worsening of living conditions in the developing world and the negative impact thereof on the full enjoyment of human rights, and especially about the very serious economic situation of the African continent and the disastrous effects of the heavy burden of the external debt for the peoples of Africa, Asia and Latin America,

Reiterating its profound conviction that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil and political rights and of economic, social and cultural rights,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

Deeply convinced that today more than ever, economic and social development and human rights are complementary elements leading to the same goal, that is, the maintenance of peace and justice among nations as the foundation for the ideals of freedom and well-being to which mankind aspires,

Reiterating that cooperation among all nations on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of every people to choose freely its own socio-economic and political system, is essential for the promotion of peace and development,

Convinced that the primary aim of such international cooperation must be the achievement by all human beings of a life of freedom and dignity and freedom from want,

Considering that the efforts of the developing countries for their own development should be supported by an increased flow of resources and by the adoption of appropriate and substantive measures for creating an external environment conducive to such development,

1. Reiterates its request that the Commission on Human Rights should continue its current work on overall analysis with a view to further promoting and strengthening human rights and fundamental freedoms, including the question of the programme and working methods of the Commission, and on the overall analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms in accordance with the provisions and ideas set forth in General Assembly resolution 32/130;

2. Affirms that a primary aim of international cooperation in the field of human rights is a life of freedom, dignity and peace for all peoples and for every human being, that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from promoting and protecting the others;

3. Reaffirms that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil and political rights and of economic, social and cultural rights;

4. Reiterates once again that the international community should accord, or continue to accord, priority to the search for solutions to mass and flagrant violations of human rights of peoples and individuals affected by situations such as those mentioned in paragraph 1 (e) of General Assembly resolution 32/130, paying due attention also to other situations of violations of human rights;

5. Considers that the issues previously mentioned in paragraph 4 above should be approached with due attention in the preparatory work for the World Conference on Human Rights so as to evaluate during the Conference the obstacles to achieving progress in the field of human rights;

6. Reaffirms that the right to development is an inalienable human right;

7. Reaffirms also that international peace and security are essential elements for achieving full realization of the right to development;

8. Recognizes that all human rights and fundamental freedoms are indivisible and interdependent;

9. Considers it necessary for all Member States to promote international cooperation on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of every people to choose freely its own socio-economic and political system, with a view to solving international economic, social and humanitarian problems;

10. Urges all States to cooperate with the Commission on Human Rights in the promotion and protection of human rights and fundamental freedoms;

11. Reaffirms once again that, in order to facilitate the full enjoyment of all human rights without diminishing personal dignity, it is necessary to promote the rights to education, work, health and proper nourishment through the adoption of measures at the national level, including those that provide for the right of workers to participate in management, as well as the adoption of measures at the international level, entailing a restructuring of existing international economic relations;

12. Decides that the approaches to future work within the United Nations system on human rights matters should take into account the content of the Declaration on the Right to Development and the need for the implementation thereof;

13. Decides to consider this question at its forty-eighth session.

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1 December 1992

ORIGINAL: ENGLISH

Forty-seventh session
THIRD COMMITTEE
Agenda item 97 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Albania, Argentina, Belgium, Benin, Bulgaria, Central African Republic, Costa Rica, Czechoslovakia, Denmark, El Salvador, Finland, Gambia, Greece, Hungary, Israel, Italy, Latvia, Lithuania, Luxembourg, Madagascar, Mali, Malta, Marshall Islands, Netherlands, Norway, Panama, Poland, Republic of Korea, Romania, Russian Federation, Rwanda, Singapore, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Enhancing the effectiveness of the principle of periodic and genuine elections

The General Assembly,

Recalling its resolutions 44/146 of 15 December 1989, 45/150 of 18 December 1990, and especially 46/137 of 17 December 1991, as well as the annex to Commission on Human Rights resolution 1989/51 of 7 March 1989, 1/

Having considered the report of the Secretary-General, 2/

Acknowledging the provisional guidelines on electoral assistance prepared by the Secretariat,

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1/ Official Records of the Economic and Social Council, 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

2/ A/47/668.

Noting the increase in requests for electoral assistance by Member States,

1. Takes note with appreciation of the report of the Secretary-General;

2. Welcomes the Secretary-General's decision to establish a focal point for electoral verification and electoral assistance;

3. Takes note of the Secretary-General's decision to establish an Electoral Assistance Unit within the Secretariat;

4. Commends the electoral assistance provided to Member States at their request by the Organization, and requests that such assistance continue on a case-by-case basis in accordance with the provisional guidelines, recognizing that the fundamental responsibility for ensuring free and fair elections lies with Governments, and requests also the Electoral Assistance Unit to inform Member States on a regular basis about the requests received, the responses given to those requests, and the handling of the requests acted upon;

5. Welcomes the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Observation, and the establishment by the Administrator of the United Nations Development Programme of a separate Trust Fund for Technical Assistance to Electoral Processes, and calls upon Member States to consider contributing to the Funds;

6. Stresses the importance of coordination by the focal point within the United Nations system, and commends the Centre for Human Rights for the advisory services and technical assistance it provides as well as the Department of Economic and Social Development and the United Nations Development Programme for the technical assistance they are providing to requesting Member States, and requests the focal point to continue to collaborate closely with and inform the Centre for Human Rights as well as the Department of Economic and Social Development and the United Nations Development Programme of requests presented in the area of electoral assistance;

7. Requests the Secretary-General to provide the Electoral Assistance Unit with adequate human and financial resources, under the regular budget of the Organization, and within existing resources, to allow it to carry out its regular mandate;

8. Also requests the Secretary-General to reinforce the Centre for Human Rights through redeployment of resources and personnel in order to enable it to answer, in close coordination with the Electoral Assistance Unit, the increasing number of requests of Member States for advisory services in the field of electoral assistance;

9. Recommends that the proposed guidelines on electoral assistance be considered as provisional and requests the Secretary-General to evaluate the guidelines on electoral assistance in the light of experience over the next two years;

10. Further requests the Secretary-General to report to the General Assembly at its forty-eighth session on the further implementation of resolution 46/137 and the present resolution, in particular on the status of requests from Member States for electoral assistance and verification, and on the validity of the guidelines on electoral assistance in the light of experience;

11. Decides that the question of enhancing the effectiveness of the principle of periodic and genuine elections shall be biennialized as of the forty-ninth session of the General Assembly.

UNITED NATIONS

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General Assembly

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A/C.3/47/L.70
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ORIGINAL: ENGLISH

Forty-seventh session
THIRD COMMITTEE
Agenda item 97 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Argentina, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, Gambia, Germany, Hungary, Ireland, Japan, Netherlands, Norway, Panama, Poland, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Cuba

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights 2/ and other applicable human rights instruments,

Reaffirming that all Member States have an obligation to fulfil the commitments they have freely undertaken under the various international instruments,

Taking particular note of Commission on Human Rights resolution 1992/61 of 3 March 1992, 3/ in which the Commission recognized with deep appreciation the efforts of the then Special Representative on Cuba,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect A.

Noting the appointment of a Special Rapporteur on Cuba,

Noting as well concern about ongoing reports of serious violations of human rights in Cuba, as outlined in the interim report 4/ on the situation of human rights in Cuba presented to the General Assembly by the Special Rapporteur on Cuba,

Recalling the failure of the Government of Cuba to cooperate with the Commission on Human Rights with regard to its resolution 1991/68 of 6 March 1991 5/ by refusing to permit the Special Representative to visit Cuba, and its response, as cited in appendix I of the interim report of the Special Rapporteur, in which Cuba expresses its decision not to "implement so much as a single comma of resolution 1992/61".

1. Commends the Special Rapporteur of the Commission on Human Rights for his interim report on the situation of human rights in Cuba;

2. Expresses its full support for the work of the Special Rapporteur on Cuba;

3. Calls upon the Government of Cuba to cooperate fully with the Special Rapporteur on Cuba by permitting full and free access by the Special Rapporteur in order to establish contact with the Government and the citizens of Cuba so that he may fulfil the mandate entrusted to him;

4. Regrets profoundly the numerous uncontested reports of violations of basic human rights and fundamental freedoms that are described in the report of the Special Representative of the Secretary-General 6/ and in the interim report of the Special Rapporteur of the Commission on Human Rights;

5. Calls upon the Government of Cuba to adopt measures proposed by the Special Rapporteur to cease the persecution and punishment of citizens for reasons related to freedom of expression and peaceful association; to permit legalization of independent groups; to respect guarantees of due process; to permit access to the prisons by national independent groups and international humanitarian agencies; to review sentences for crimes of a political nature; and to cease retaliatory measures towards those seeking permission to leave the country;

6. Decides to continue its consideration of this question at its forty-eighth session.

4/ A/47/625 and Corr.1.

5/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

6/ E/CN.4/1992/27.

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General Assembly

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Forty-seventh session
THIRD COMMITTEE
Agenda item 97 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Draft resolution submitted by the Chairman

Situation of human rights in Afghanistan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights 2/ and accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 3/ and the Additional Protocols thereto, of 1977, 4/

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

4/ Ibid., vol. 1125, Nos. 17512 and 17513.

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its resolution 46/136 of 17 December 1991 and all its other relevant resolutions, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Taking note in particular of Commission of Human Rights resolution 1992/68 of 4 March 1992, 5/ in which the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year, and of Economic and Social Council decision 1992/240 of 20 July 1992, in which the Council confirmed the extension and requested the Special Rapporteur to report to the General Assembly at its forty-seventh session on the situation of human rights in Afghanistan,

Noting that, following the demise of the former Afghan Government, a Transitional Islamic State of Afghanistan was established on the basis of the Peshawar Accord concluded by resistance parties on 24 April 1992,

Noting with deep concern that in spite of the efforts and initiatives taken by the Government of Afghanistan towards ensuring complete peace and stability, a situation of armed confrontation, which is affecting mainly the civilian population, continues to exist in parts of the territory of Afghanistan, and in particular in Kabul, and much remains to be done for the treatment of prisoners in conformity with the provisions of the Geneva Conventions of 12 August 1949, and the Additional Protocols thereto, of 1977,

Concerned that the prevailing uncertainty in the country over political and legal order may affect the situation of members of ethnic and religious minorities,

Noting with concern reports of violations of rights enshrined in the International Covenant on Civil and Political Rights such as the right to life, liberty, personal security, freedom of opinion, expression and association,

Concerned that neither the International Committee of the Red Cross nor the Special Rapporteur were able to visit prisoners who were associated with the former Government,

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5/ Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

Welcoming the fact that over one million refugees have returned to Afghanistan since April 1992, and hoping that conditions in Afghanistan will allow those still in exile to return as soon as possible,

Aware that peace and security in Afghanistan are prerequisites for the succesfull repatriation of more than four million refugees, in particular the achievement of a comprehensive political solution and the establishment of a freely and democratically elected government, the end of armed confrontation in Kabul and in some provinces, the clearance of the minefields that have been laid in many parts of the country, the restoration of an effective authority in the whole country, and the reconstruction of the economy,

Welcoming the declaration of general amnesty issued by the Islamic State of Afghanistan, which should be applied in a strictly non-discriminatory manner,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

Taking note with appreciation of the report of the Special Rapporteur on the situation on human rights in Afghanistan and of the conclusions and recommendations contained therein,

1. Welcomes the cooperation that authorities in Afghanistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan in the circumstances of the prevailing situation in the country;

2. Also welcomes the cooperation that the authorities in Afghanistan have extended, in particular, to the Coordinator for Humanitarian and Economic Assistance Programmes relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

3. Urges all the Afghan parties to increase their efforts in order to achieve a comprehensive political solution - which is the only way to bring about peace and the full restoration of human rights in Afghanistan - based on the free exercise of the right to self-determination by the people, including free and fair elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as possible, of the more than four million refugees to their homeland in safety and dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

4. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan and calls on all Afghan parties to respect human rights;

5. Urges all the Afghan parties to respect accepted humanitarian rules, as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977, to halt the use of weapons against the civilian population, to protect all prisoners from acts of reprisal and violence, including ill-treatment, torture and summary executions, to transmit to the International Committee of the Red Cross the names of all prisoners, to expedite the exchange of prisoners wherever they may be held and to grant to that Committee unrestricted access to all parts of the country and the right to visit all prisoners in accordance with its established criteria;

6. Calls upon all States and parties concerned to make all efforts for the realization of its draft decision contained in document A/C.3/47/L.35, entitled "War prisoners and persons missing as a result of war in Afghanistan", and calls upon them to make all efforts for the release, as soon as possible, of all prisoners of war as provided by article 118 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, 6/ considering that the hostilities in which the former Soviet Union was involved have legally and effectively ended;

7. Requests that the International Committee of the Red Cross be given full access to all prisoners by the warring factions;

8. Calls upon the authorities in Afghanistan for a thorough investigation of the fate of those persons who have disappeared, the application of amnesty decrees equally to all detainees, the reduction of the period during which prisoners await trial, the treatment of all prisoners, especially those awaiting trial or those in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, 7/ adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and to apply to all suspected/convicted persons article 14, paragraphs 3 (d), 5, 6 and 7 of the International Covenant on Civil and Political Rights; 2/

9. Expresses its concern at reports that the living conditions of refugees, especially those of women and children, are becoming increasingly difficult because of the decline in international humanitarian assistance;

10. Urgently appeals to all Member States, humanitarian organizations and all parties concerned to cooperate fully, especially on the subject of mine detection and clearance, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity;

6/ United Nations, Treaty Series, vol. 75, No. 972.

7/ See Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.88.XIV.1).

11. Also urgently appeals to all Member States and humanitarian organizations to continue to promote the implementation of the projects envisaged by the Coordinator for Humanitarian and Economic Assistance Programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees, especially the pilot projects for the repatriation of refugees;

12. Urges all Afghan parties to undertake all necessary measures to ensure the safety of the personnel of humanitarian organizations involved in the implementation of the United Nations humanitarian and economic assistance programmes relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees;

13. Also urges the authorities in Afghanistan to extend their full cooperation to the Commission on Human Rights and its Special Rapporteur;

14. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

15. Decides to keep under consideration, during its forty-eighth session, the situation of human rights in Afghanistan in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

UNITED NATIONS

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General Assembly

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A/C.3/47/L.72
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Forty-seventh session
THIRD COMMITTEE
Agenda item 97 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Sudan: draft resolution

Situation of human rights in the Sudan

The General Assembly,

Being aware of the fact that the Commission on Human Rights is seized of the situation of human rights in the Sudan under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

Recalling resolution 1992/73 of 5 March 1992 1/ of the Commission on Human Rights on internally displaced persons, in which a special representative of the Secretary-General was appointed to study the question of internally displaced persons,

Bearing in mind that both the Independent Expert of the Commission and the Special Representative of the Secretary-General visited the Sudan during November 1992 to carry out the mandate of the Commission,

Realizing that the reports of the Independent Expert and the Special Representative of the Secretary-General will be before the Commission at its forty-ninth session at which it will consider the situation of human rights in the Sudan,

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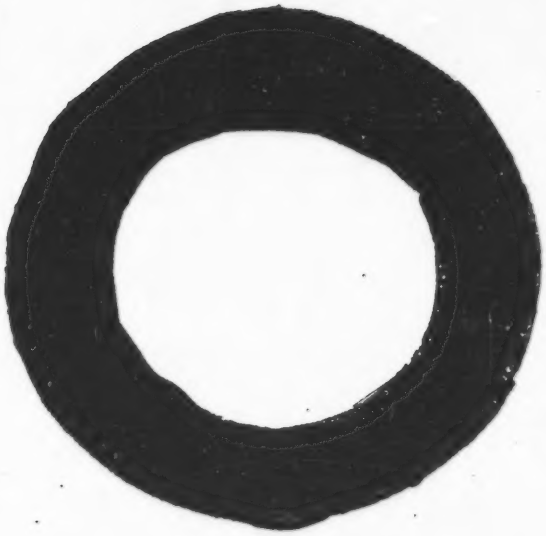
1/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

Taking note of draft resolution A/C.3/47/L.77 entitled "The situation in the Sudan",

Decides to postpone action on the draft resolution contained in document A/C.3/47/L.77 until the Commission on Human Rights considers the issue at its next session in the light of the requested reports.



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Forty-seventh session
THIRD COMMITTEE
Agenda item 97 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Argentina, Bahamas, Barbados, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Ecuador, El Salvador, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Ireland, Italy, Jamaica, Japan, Luxembourg, Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Spain, Suriname, Sweden, Trinidad and Tobago, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu and Venezuela: draft resolution

Human rights in Haiti

The General Assembly,

Recalling its resolutions 46/7 of 11 October 1991 and 46/138 of 17 December 1991,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights, 2/

1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

Aware of its responsibility for the promotion and encouragement of respect for human rights and fundamental freedoms for all and resolved to keep a close watch on human rights violations wherever they may occur,

Reaffirming that all Member States are required to promote and protect human rights and to comply with the obligations laid down in the various instruments in this field,

Taking note of Commission on Human Rights resolution 1992/77 of 5 March 1992 3/ by which the Commission decided to appoint a special rapporteur with a mandate to prepare a report on the situation of human rights in Haiti based on the information which the special rapporteur deems relevant, especially information supplied by the Organization of American States, with a view to submitting an interim report to the General Assembly at its forty-seventh session and a report to the Commission on Human Rights at its forty-ninth session,

Deeply concerned about the grave events occurring in Haiti since 29 September 1991, which abruptly and violently interrupted the democratic process in that country and have resulted in the loss of human lives and the violation of human rights,

Concerned also at the mass exodus of Haitian nationals from the country because of the deteriorating political and economic situation since 29 September 1991,

Deeply alarmed by the persistence and worsening of serious violations of human rights, in particular summary and arbitrary executions, forced disappearances, reports of torture and rape, arbitrary arrests and detentions and denial of freedom of expression, assembly and association,

Welcoming the measures taken by the Secretary-General of the United Nations to express support for the Organization of American States, in particular through the participation of his Personal Representative in the mission of the Secretary-General of the Organization of American States that visited Haiti from 19 to 21 August 1992,

1. Commends the Special Rapporteur of the Commission on Human Rights, Mr. Marco Tulio Bruni Celli, for his report on the situation of human rights in Haiti 4/ and supports the recommendations contained therein;

3/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

4/ A/47/621.

2. Once again condemns the overthrow of the constitutionally elected President, Mr. Jean-Bertrand Aristide, the use of violence and military coercion and the subsequent deterioration of the situation of human rights in that country;

3. Expresses its deep concern about the substantial worsening of the human rights situation in Haiti during the year 1992 and the resulting increase in violations of the human rights embodied in the International Covenant of Civil and Political Rights, the International Covenant of Economic, Social and Cultural Rights, the American Convention on Human Rights and other international human rights instruments;

4. Condemns the recurrence of the flagrant human rights violations committed under the illegal government that took power following the coup of 29 September 1991, in particular summary executions, arbitrary arrests and detentions, torture, searches without warrant, rape, restrictions on freedom of movement, expression, assembly and association, and the repression of popular demonstrations calling for the return of President Jean-Bertrand Aristide;

5. Calls the attention of the international community to the fate of the Haitian nationals who are fleeing the country not only, as pointed out by the Special Rapporteur in his report, because of the serious deterioration in economic and social conditions, but because of indiscriminate political persecution and repression;

6. Expresses its appreciation to the Office of the United Nations High Commissioner for Refugees for the work it is doing in favour of the Haitian nationals fleeing the country and invites Member States to continue to give financial and material support to its efforts;

7. Calls upon the Member States of the United Nations and other international organizations to increase their humanitarian assistance to the people of Haiti, to support all efforts to resolve the problems of displaced persons and to encourage the strengthening of institutional coordination among the United Nations specialized agencies and between the United Nations and the Organization of American States;

8. Decides to keep the situation of human rights and fundamental freedoms in Haiti under review during its forty-eighth session and to consider it further in the light of the information supplied by the Commission on Human Rights and the Economic and Social Council.

UNITED NATIONS

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General Assembly

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Argentina, Australia, Belgium, Bulgaria, Canada, Chile, Costa Rica, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Netherlands, Norway, Panama, Poland, Portugal, Romania, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation in Myanmar

The General Assembly,

Recalling its resolution 46/132 of 17 December 1991,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and as elaborated in the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights 2/ and other applicable human rights instruments,

Aware that, in accordance with the Charter, the Organization promotes and encourages respect for human rights and fundamental freedoms for all and that the Universal Declaration of Human Rights states that "the will of the people shall be the basis of the authority of government",

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

Recalling Commission on Human Rights resolution 1992/58 of 3 March 1992, 3/ in which the Commission, inter alia, decided to nominate a special rapporteur to establish direct contacts with the Government and with the people of Myanmar, including political leaders deprived of their liberty, their families and lawyers, with a view to examining the situation of human rights in Myanmar and following any progress made towards the transfer of power to a civilian government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar, and to report to the General Assembly at its forty-seventh session and to the Commission at its forty-ninth session,

Noting the measures taken by the Government of Myanmar, including its accession to the Geneva Conventions of 1949 4/ on the protection of victims of war, the release of a number of political prisoners, the lifting of the curfew, the revocation of certain martial laws and the reopening of the universities, in response to the concerns expressed by the international community, including the General Assembly and the Commission on Human Rights,

Gravely concerned that the Government of Myanmar has still not implemented its commitments to take all necessary steps towards democracy in the light of the results of the elections held in 1990,

Gravely concerned also by the continued seriousness of the situation of human rights in Myanmar, including reports of torture and arbitrary executions, continued detentions of a large number of persons for political reasons, the existence of important restrictions on the exercise of fundamental freedoms and the imposition of oppressive measures directed in particular at ethnic and religious minorities,

Noting that the human rights situation in Myanmar has consequently resulted in massive flows of refugees to the neighbouring countries,

Deeply concerned by the continuing problem of large numbers of refugees from Myanmar in neighbouring countries, including the almost 265,000 Myanmar Rohingya refugees in Bangladesh,

1. Expresses its appreciation to the Special Rapporteur of the Commission on Human Rights for his preliminary report 4/ and the recommendations contained therein;

2. Calls upon the Government of Myanmar to extend its full and unreserved cooperation to the Special Rapporteur and to ensure that he has free access to any person in Myanmar whom he deems it appropriate to meet for the conduct of his mandate;

3/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

4/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

3. Expresses its grave concern about the continued seriousness of the human rights situation in Myanmar;

4. Urges the Government of Myanmar to respect the outcome of the 1990 democratic elections;

5. Also urges the Government of Myanmar to take every appropriate measure to allow all citizens to participate freely in the political process in accordance with the principles of the Universal Declaration of Human Rights and to accelerate the process of transition to democracy, in particular through the transfer of power to the democratically elected representatives;

6. Further urges the Government of Myanmar to ensure full respect for human rights and fundamental freedoms and the protection of the rights of persons belonging to ethnic and religious minorities;

7. Notes the release of a number of political leaders from detention;

8. Deeply regrets, however, that many political leaders are still deprived of their freedom and their fundamental rights;

9. Calls upon the Government of Myanmar to release unconditionally the Nobel Peace Laureate Aung San Suu Kyi, who is now in her fourth year of detention without trial, and other political leaders and remaining political prisoners;

10. Also calls upon the Government of Myanmar to respect fully the obligations of the Geneva Conventions of 1949, in particular the obligations in common article III, and to make use of such services as may be offered by impartial humanitarian bodies;

11. Requests the Government of Myanmar to invite the presence in Myanmar of the International Committee of the Red Cross in order for it to carry out its humanitarian tasks;

12. Further calls upon the Government of Myanmar to create the necessary conditions to ensure an end to the flows of refugees to neighbouring countries and to facilitate their speedy repatriation and to cooperate fully with the relevant United Nations organs on this matter;

13. Decides to continue its consideration of this question at its forty-eighth session.